

REMARKS

This application has been reviewed in light of the Office Action dated March 17, 2004. Claims 22-44 are pending in this application. Claims 1-21 have been cancelled, without prejudice or disclaimer of subject matter. Claims 22-31 have been amended to define still more clearly what Applicants regard as their invention. Claims 32-44 have been added to provide Applicants with a more complete scope of protection. Applicants note that Claims 32-44 correspond to cancelled Claims 2-5, 7-10, and 17-21; Claims 32-44 were rewritten as new claims so that they “refer back to” Claim 22, as required by 37 C.F.R. § 1.75(c). Claim 22 is in independent form. Favorable reconsideration is requested.

The Office Action rejected Claims 1, 4, 5, 9, 12, 13, 17-25, and 27-30 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,872,541 (Yoshioka et al.), rejected Claims 2, 3, 10, and 11 under 35 U.S.C. § 103(a) as being unpatentable over Yoshioka et al. in view of U.S. Patent No. 5,598,052 (Khan et al.), rejected Claims 6-8 and 14-16 under 35 U.S.C. § 103(a) as being unpatentable over Yoshioka et al., and rejected Claims 26 and 31 under 35 U.S.C. § 103(a) as being unpatentable over Yoshioka et al. in view of U.S. Patent No. 5,831,387 (Kaneko et al.). Applicants respectfully traverse these rejections. Cancellation of Claims 1-21 renders their rejections moot.

Applicants submit that amended independent Claim 22, together with the remaining claims dependent thereon, are patentably distinct from the cited prior art at least for the following reasons.

The aspect of the present invention set forth in Claim 22 is an electron source that includes a substrate, a first insulating material film disposed on the substrate,

a second insulating material film laminated on the first insulating material film, and a film containing an electron-emitting portion laminated on the second insulating material film. The first insulating material film includes a plurality of metallic oxide particles having an average particle size within a range of 6nm to 60nm as expressed in a median value.

According to a notable aspect of the invention to which Claim 22 relates, the second insulating material film is provided to make stable a plurality of metallic oxide particles (included in a first insulating material film) having an average particle size within a range of 6nm to 60nm as expressed in a median value to prevent the particles from dropping out of the first insulating material film. Support in the specification for the features of Claim 22 can be found at least from page 16, line 1, to page 21, line 6.

The present invention has been rejected based on Yoshioka et al., Khan et al. and Kaneko et al. The primary reference Yoshioka et al. was discussed in the last amendment. Applicants submit that none of these cited references would teach or suggest an electron source that includes a second insulating material film situated between the film containing the electron emitting portion and the first insulating material film, where the first insulating material film includes a plurality of metallic oxide particles having an average particle size within the range of 6nm to 60nm as expressed in a median value, as set forth in Claim 22.

Accordingly, Applicants submit that at least for these reasons, Claim 22 is patentable over the cited prior art, and therefore respectfully request withdrawal of these rejections.

The other claims in this application depend from Claim 22 discussed above and are therefore believed to be patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual consideration or reconsideration, as the case may be, of the patentability of each claim on its own merits is respectfully requested.

In view of the foregoing amendments and remarks, Applicants respectfully request favorable reconsideration and early passage to issue of the present application.

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,



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